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S. HRG. 101-529

NOMINATIONS—NTSB AND FAA

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

NOMINATIONS

JANUARY 30, 1990

JAMES L. KOLSTAD, TO BE CHAIRMAN, AND SUSAN M. COUGHLIN, TO BE A MEMBER, NATIONAL TRANSPORTATION SAFETY BOARD, AND BARRY L. HARRIS, TO BE DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION

Printed for the use of the
Committee on Commerce, Science, and Transportation

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CONTENTS

	Page
Opening statement by Senator Ford	1
Opening statement by Senator McCain	2
Opening statement by Senator Burns	4

LIST OF WITNESSES

Kolstad, James L	19
Biographical sketch	6
Prehearing questions of the majority and the answers	12
Simpson, Hon. Alan K., U.S. Senator from Wyoming, statement	2
Prepared statement	4
Posthearing questions of Senator Gorton and the answers	25
Coughlin, Susan M	34
Biographical sketch	27
Prehearing questions of the Committee and the answers	31
Specter, Hon. Arlen, U.S. Senator from Pennsylvania, statement	26
Harris, Barry L	48
Biographical sketch	38
Prehearing questions of the majority and the answers	42
Cohen, Hon. William S., U.S. Senator from Maine, statement	37

NOMINATION—NTSB AND FAA

TUESDAY, JANUARY 30, 1990

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The committee met at 9:30 a.m. in room SR–253, Russell Senate Office Building, Hon. Wendell Ford presiding.

Staff members assigned to this hearing: Carol Carmody, professional staff member; Steve Palmer, senior professional staff member; and Ruth Johnson, minority professional staff member.

OPENING STATEMENT BY SENATOR FORD

Senator FORD. Good morning, ladies and gentlemen. Let me welcome each and every one of you here this morning. I am very pleased to be chairing this hearing today.

You are like the big gorilla, Senator Simpson. You can sit anywhere you like.

There have been times in the past year that I have thought this point would never occur.

One of the most important jobs in the Commerce Committee is to consider nominations to the National Transportation Safety Board. NTSB is responsible for determining the causes of accidents like the tragic accident in New York last week, and making safety recommendations based on those determinations.

First, before the committee this morning will be Mr. James Kolstad. He has been nominated to a two-year term as Chairman of the National Transportation Safety Board. He has been a member of the Board since 1987 and has had a trial run as Acting Chairman since August of 1988 when the previous chairman's term expired.

Before joining the Board, Mr. Kolstad had worked for seven years in the public service office of Frontier Airlines, five years with the Civil Aeronautics Board and also in the public relations arena. He has a B.A. from the University of Montana.

Mr. Kolstad will be introduced by my distinguished colleague, Senator Simpson. Then Senator Burns will also have words of endorsement.

We have two other nominees this morning. We will start with Mr. Kolstad, then move to Ms. Coughlin and then Mr. Harris.

Welcome, Mr. Kolstad. I am very glad to see you here this morning. I look forward to your statement, but first we will hear from the distinguished Republican Whip, Senator Simpson.

Oh, I apologize. Senator McCain has a statement.

OPENING STATEMENT BY SENATOR McCAIN

Senator McCAIN. I know that, with a witness in the room, I am sometimes ignored, but I appreciate the opportunity. I welcome our nominees, and I would like to say in advance that I look forward to working with all of them, including Mr. Kolstad.

I am pleased that the administration has completed its team at the FAA. We have a number of issues facing us this year: airline competition; budget and structural reform of the agency; international developments; and ongoing safety programs. More so, I believe it is fair to say that Mr. Harris will not be looking for ways to keep busy.

I am also pleased that the NTSB will now have a permanent Chairman in Mr. Kolstad and has the benefit of Ms. Coughlin's expertise.

Transportation, particularly air transportation, is vital to our Nation's economic health. It is crucial that our citizens have confidence in our transportation system. I believe that the NTSB has a crucial role to play in maintaining this public confidence.

Two additional comments, Mr. Chairman. We seem to continue to have problems with airline safety. The recent tragedy up on Long Island indicates that there could have been some clear communication problems that existed with that Columbian airliner.

Also, I noted with some interest a proposal by the administration to increase taxes by some 2 percent. Yet, I did not see along with that proposal, the increase in the airline ticket tax, a proposal as to how to dispose of the Aviation Trust Fund, which as you know has built up to some $7 or $8 billion and we still fail to spend that money.

I do not know what your views are, Mr. Chairman, but I am reluctant to raise the taxes of the American people to continue to build up a fund when we are not going to spend those moneys we are collecting, but put them in some unacceptable form which is disguised as a deficit.

I welcome our witnesses here today. I look forward to working together as we look at that issue again.

Senator FORD. I thank my colleague for his comments. Let me describe some ducks to you: Increase passenger tax, 8 to 10 percent; increase aviation fuel tax, 12 cents to 15 cents per gallon; increase jet fuel tax from 14 cents to 18 cents per gallon; increase freight weigh bill tax 5 to 6 percent; authorize passenger facility charge for local airports. With a $7 billion surplus, I think we are on the right track.

Senator McCAIN. It sounds like a lot of quacking to me, Mr. Chairman.

Senator FORD. We will now hear Senator Simpson.

STATEMENT OF HON. ALAN K. SIMPSON, U.S. SENATOR FROM WYOMING

Senator SIMPSON. Mr. Chairman, I thank you very much. Senator McCain and my colleagues, I enjoy working with you on many things; but I think, Mr. Chairman, particularly with you on this one. This has been an extraordinary venture in every sense. I very much appreciate your directness, your good common sense and

your sense of direction as you laid out your schedule and your scenario. You said that with such clarity. I never quite forgot it.

I was very pleased to have been of assistance because, indeed, you were correct. I had never seen such a bizarre labyrinth of rumor and innuendo created by persons in the administration who were in this department. I think it was a crude exercise in political lowball.

I am very pleased that you persisted and that we have this fine man here as our nominee for chairmanship of the National Transportation Safety Board. I have known him a long time. I would ask that my full statement be included in the record, Mr. Chairman.

Senator FORD. It will be included in the record in full.

Senator SIMPSON. This is my second opportunity to introduce Jim Kolstad. I did this in April of 1987 at his confirmation for Board membership and now this very pleasant experience, his nomination for chairmanship.

As Senator McCain and you have said, we now have a new awareness in these areas. We referred to the terrible duties that must be performed. They are duties of death and destruction, probing and sifting. It is a very critically important task to determine the probable cause of public transportation accidents and the Board's role in that.

It would be to ignore the obvious if we felt that we should ignore the extraordinary delay in this process of selecting a chairman. We have not had a chairman for more than a year and a half. There is no excuse for that. I do not care who is running the shop.

As you can see, I feel as strongly as you on that. Rather than focus on the unfortunate circumstances that gave forth to that, just let me say that I know Jim Kolstad. I knew him when he was with Frontier Airlines as Director of Communications in Public Affairs. He spent time as a staff member of the Civil Aeronautics Commission. He served the Vice President as Executive Assistant. He served Secretary Volpe. He had a great reputation and does indeed have that same reputation of coming through this exercise very much unsullied as they fired every piece of weaponry at their disposal in the arsenal.

He is going to be a great addition. My support has never wavered. It has only been strengthened. It is time for the NTSB to have a permanent chairman, and it is time for Jim Kolstad to serve in that role.

I can only say that he must be one of the cleanest nominees ever to have been presented anywhere in the history of modern government. He has undergone one of the most intense and protracted background checks the government can perform, and he passed every possible test of honesty, integrity and dedication. He demonstrates an uncommon degree of common sense. He is ready to go.

Mr. Chairman, I am very pleased, and I say this very sincerely. Thank you so much for your effort and the way you have pressed and pushed forward on this. I think this gentleman will make us both very proud. He is ready to work, and it will be great to have a top-notch administrator in place to help guide this Board in their difficult and important human decisions.

Thank you, Mr. Chairman, and thank you, Senator McCain.

[The statement follows:]

STATEMENT OF HON. AL SIMPSON, U.S. SENATOR FROM WYOMING

Mr. Chairman, it is my very sincere honor and privilege to once again introduce Jim Kolstad, the nominee for chairmanship of the National Transportation Safety Board.

This is my second opportunity to introduce Jim to this Committee, the first occasion being April 30, 1987, at his confirmation hearing for board membership. I am even more pleased to appear this morning as you now consider his nomination for chairmanship of the NTSB.

When I first spoke on Jim's behalf, I said that intense levels of public interest and concern were focused on the safety of our national transportation systems. I referred to the "probing and sifting" and analysis undertaken by the talented and dedicated NTSB accident investigators and the importance of their activities in determining the "probable cause" of public transportation accidents—and the Board's role in helping to reduce the chances that similar accidents will occur in the future. Those activities are just as important today.

Mr. Chairman, it would be to ignore the obvious if we fail to note the extraordinary delay in the process of selecting and confirming a chairman for the NTSB. We have not had a chairman for more than one and a half years. But rather than focus on the unfortunate circumstances that perpetuated that delay, I would prefer to use my time to express my strongest possible support for your swift confirmation of Jim Kolstad.

Jim's background includes service as Senior Director of Communications and Public Affairs for Frontier Airlines. He also spent time as a staff member of the Civil Aeronautics Board and he served the Vice President; of the United States as Executive Assistant for Intergovernmental Relations. Jim also served Secretary Volpe at the Department of Transportation in Congressional and Intergovernmental Relations.

Before he came to the NTSB, Jim had already earned a fine reputation in the transportation industry. He brought a great wealth of experience, enthusiasm, persistence and intense interest to the NTSB. During his time as a board member, and more recently during his service as Acting Chairman, we have continued to benefit from his service. I said in 1987 that Jim Kolstad would prove a valuable and productive addition to the NTSB. Indeed, he has. My support for him never wavered in the three years he sought his initial nomination, and it has only strengthened during his service as a member.

The time for the NTSB to have a permanent chairman is overdue. The time for Jim Kolstad to serve in that role is also overdue.

Jim Kolstad must surely be one of the "cleanest" nominees ever to be presented to this committee for approval. He has undergone one of the most intense and protracted—and possibly even reaching the point of bizarre—background checks that this government can perform. He has passed every possible test of honesty, integrity, dedication and allegiance to this government and to his role at the NTSB. He demonstrated, and continues to demonstrate, an uncommon degree of common sense. He assumes, as well as delegates, responsibility. He has never hesitated to go the "extra mile" in meeting his own personal and professional goals.

Mr. Chairman, I am most pleased—and I know that you are every bit as pleased—that Jim has been nominated for chairmanship and now presents himself to the committee for confirmation to a full term as chairman. I trust that confirmation will come swiftly, and that the hard-working, proud and highly professional individuals employed by the National Transportation Safety Board will very soon have, finally, a top-notch administrator in place to help guide them in their difficult and critically important mission.

Senator FORD. Thank you, Senator Simpson.

Senator Burns.

OPENING STATEMENT BY SENATOR BURNS

Senator BURNS. I am very pleased to join my colleague from Wyoming in expressing my wholehearted support for Jim Kolstad, a fellow Montanan and friend, as Chairman of the National Transportation Safety Board.

Jim, I welcome you to the Commerce Committee and note that you are the first NTSB nominee for Chairman from the Rocky Mountain West.

I believe the President has made an excellent decision in selecting you for this position. The Safety Board is a small agency with a very big mission and only 325 staff people nationwide. I hope my colleagues on the Commerce Committee share my views that we need to add resources to this agency.

Last year I had an opportunity to be exposed to the excellent work of the Board more closely when runaway tank cars collided with a locomotive west of Helena and resulted in an explosion, fire and hazardous material spill. I was very impressed with the Board's thoroughness, skill and professionalism that has contributed to the excellent reputation the agency earns.

During Jim's tenure as Acting Chairman, he has been more than just a "caretaker." He has undertaken new initiatives, improved the Board's investigative capabilities, obtained additional funding for the Board, and sought to improve employee morale. I am confident that, as Chairman, he will continue these initiatives and undertake others, as an effective manager, leader, and advocate for transportation safety.

It is my pleasure to recommend that the Committee approve his nomination as Chairman.

Senator FORD. Thank you, Senator. We appreciate your comments this morning. I am sure that you all have other things to do. If you wish to stay, we would be delighted to have you. If not, we thank you for being here this morning.

Senator Pressler, do you have a statement this morning?

Senator PRESSLER. Mr. Chairman, I do not have a statement.

Senator FORD. Fine.

Mr. Kolstad, we would be delighted to hear you now for whatever remarks you might want to make, and then we will have some questions for you.

[The biographical sketch and questions and answers follow:]

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN
DANIEL K. INOUYE, HAWAII
WENDELL H. FORD, KENTUCKY
✓ JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
JOHN B. BREAUX, LOUISIANA
RICHARD H. BRYAN, NEVADA
CHARLES S. ROBB, VIRGINIA
JOHN C. DANFORTH, MISSOURI
BOB PACKWOOD, OREGON
LARRY PRESSLER, SOUTH DAKOTA
TED STEVENS, ALASKA
ROBERT W. KASTEN, JR., WISCONSIN
JOHN MCCAIN, ARIZONA
CONRAD BURNS, MONTANA
SLADE GORTON, WASHINGTON
TRENT LOTT, MISSISSIPPI
KEVIN G. CURTIN, CHIEF COUNSEL AND STAFF DIRECTOR
WALTER B. MCCORMICK, JR., MINORITY CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: Kolstad (Last) James (First) Leo (Other)

Address: 2726 Manorhaven Court, Alexandria, Virginia 22306 (Current residence)

National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594 (Business)

2. Position to which nominated: Chairman of NTSB

Date of nomination: 1/24/90

3. Date of birth: March 3, 1939 (month) (date) (year)

Place of birth: Washington, D.C.

4. Marital status: Divorced

Full name of Spouse:

5. Names and ages of children: Katherine 21

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Montana State College	1956-7	-	-
University of Montana	1957-60	BA Journalism	
University of Maryland	1965	-	

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work

See Attached Sheet

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

Federal - Member, Vice Chairman, Acting Chairman - National Transportation Safety Board May, 1987 - Present
U.S. Navy - 1962-64; Cong. Jim Battin - U.S. House of Representative, 1968-69; U.S. Dept. of Transportation 1969-72, Office of Congressional & Intergovernment Relations; Office of Vice President of U.S. -1972, Intergovernmental Relations; Civil Aeronautics Board - 1973 - 78, Community and Congresstional Relations

State - Governor's Advisory Committee on Budgeting and Forecasting 1985-86 - Colorado

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

1986 - Hal Krause (R) for Congress - Volunteer Work
1986 - Dan Schaefer for Congress - Contribution
1984 - Republican National Convention - Volunteer to the Chairman
1983 - $100 Contribution - Dick Lamm (D) for Governor
1982 - 5 - Chairman, Frontier Airlines Political Action Committee
1980 Reagan for President Committee - volunteer advance work
1968 - Dep. Campaign Manager - Smiley for Congress (R) Montana

Month/Year	Month/Year	Code	Your Position	Supervisor's/Person's Name	Telephone Number
5/87	To Present	4	Board Member, Vice Chairman and Acting Chairman		( )

Employer's Name: National Transportation Safety Board — Telephone Number: (202) 382-6502
Employer's Street Address: 800 Independence Ave., S.W. — City (Country): Washington — State: D.C. — ZIP Code: 20594
Actual job location if different from employer's address: Street Address: — City (Country): — State: — ZIP Code:
Street Address (if different than employer's): — City: — State: — ZIP Code:

Month/Year	Month/Year	Code	Your Position	Supervisor's/Person's Name	Telephone Number
4/86	To 5/87	8	Vice President	Pat Thompson	(303) 779-0880

Employer's Name: Pat Thompson Company — Telephone Number: (303) 779-0880
Employer's Street Address: 13 DTC Parkway — City (Country): Englewood — State: CO — ZIP Code: 80111
Actual job location if different from employer's address: Street Address: — City (Country): — State: — ZIP Code:
Street Address (if different than employer's): — City: — State: — ZIP Code:

Month/Year	Month/Year	Code	Your Position	Supervisor's/Person's Name	Telephone Number
1/86	To 4/86	6	Aviation Management Consultant		( )

Employer's Name: Frontier Airlines — Telephone Number: ( )
Employer's Street Address: 978A Ivory Cr. — City (Country): Aurora — State: CO — ZIP Code: 80017
Actual job location if different from employer's address: Street Address: — City (Country): — State: — ZIP Code:
Street Address (if different than employer's): — City: — State: — ZIP Code:

Month/Year	Month/Year	Code	Your Position	Supervisor's/Person's Name	Telephone Number
9/85	To 1/86	6	Consultant		( )

Employer's Name: Amerado Productions — Telephone Number: ( )
Employer's Street Address: 1380 Lawrence St. — City (Country): Denver — State: CO — ZIP Code: 80204
Actual job location if different from employer's address: Street Address: — City (Country): — State: — ZIP Code:
Street Address (if different than employer's): — City: — State: — ZIP Code:

Month/Year	Month/Year	Code	Your Position	Supervisor's/Person's Name	Telephone Number
1/85	To 9/85	6	Consultant		( )

Employer's Name: Skybus — Telephone Number: ( )
Employer's Street Address: 3333 Quebec Street — City (Country): Denver — State: CO — ZIP Code: 80207
Actual job location if different from employer's address: Street Address: — City (Country): — State: — ZIP Code:
Street Address (if different than employer's): — City: — State: — ZIP Code:

Enter your Social Security Number before going to the next page. 517-46-0389

YOUR EMPLOYMENT HISTORY

Month/Year Month/Year Code Your Position
5/78 to 1/85 8 Senior Director of Communications/Public Affairs

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: Frontier Airlines

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address: 8250 Smith Road

City (County): Denver

State: CO ZIP Code: 80207

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
4/73 To 5/78 4 Director/Of. of Community and Congressional Relations

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: U.S. Civil Aeronautics Board

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address:

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
11/72 To 4/73 4 1973 Inaugural Committee

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: The White House

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address: 1600 Pa. Ave., N.W.

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
8/72 To 11/72 4 Presidential Advanceman

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: The White House

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address: 1600 Pa. Ave., N.W.

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
1/72 To 8/72 4 Executive Assistant for Intergovernmental Relations

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: Office of the Vice President

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address: The White House

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
3/69 To 1/72 4 Director of Intergovernmental Relations

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: U.S. Dept of Transportation

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address:

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Month/Year Month/Year Code Your Position
11/68 To 11/69 4 Legislative Assistant and Volunteer

Supervisor's/Person's Name: Telephone Number: ( )

Employer's Name: Congressman James F. Battin (R. Montana)

Telephone Number: ( )

Street Address (if different than employer's):

Employer's Street Address:

City (County): Washington

State: D.C ZIP Code

City (County):

State ZIP Code

Actual job location if different from employer's address: Street Address

---

Enter your Social Security Number: [redacted] 517-46-0389

Standard Form 86A (BACK) October 19..

7/68 - 11/68 Deputy Campaign Manager 4
Richard Smiley
5000 N. 45th Pl.
Phoenix, AZ 85018

2/67 - 7/68 8 Manager of Press Relations
National Forest Products Association
1619 Mass Avenue
Washington, D.C.

5/64 - 2/67 8 Public Relations Assistant
American Trucking Association
1616 P Street
Washington, D.C.

4/62 - 3/64 1 U.S. Navy
Newport, R.I.

2/61 - 4/62 8 Reporter
The Spokesman Review
Spokane, WA

6/60 - 2/61 8 Assistant Buyer
Bullocks Downtown
7th & Hill
Los Angeles, California

6/53 - 9/56 8 Summer Employment Bullocks Downtown

6/51-9/53 8 Summer Employment
Father's Ranch
Galata, Montana

10. Memberships. List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

Member Advisory Board - Lehigh County Community College, Schnecksville, Pa.
~~Sigma Chi Fatornity~~
Aero Club of Washington - Trustee - 1976-77, presently member
~~Denver Chamber of Commerce - 1970-84~~
Designated Alternate - Colorado Forum - 1983-84
~~Metropolitan Club of Denver - 1986-87~~
Stapleton Task Force Committee of the Denver Chamber
~~Light Rail Task Force of the Denver Chamber 1983~~

11. Honors and awards. List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Civil Aeronautic Board - Outstanding performance certificate 1974-75,76,77

12. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

1975 - Co-authored with a member of my staff at the Civil Aeronautic Board a publication entitled "Understanding the CAB". Purpose was to provide a reference document for communities, individuals and corporations on the processes followed by the CAB for docketed matters. Published internally. Wrote two or three articles for industry trade publications while at the CAB but can't recall their title or in what publications there were published.

Questions Submitted by the Majority
for
Honorable James L. Kolstad
National Transportation Safety Board

General

1. What will be your goals as Chairman of the NTSB? Are there areas of transportation safety that you believe need more attention than they have received in the past?

Response: The Safety Board has received no increases in staffing for more than four and one-half years. At the same time, the workload has become more complex and more voluminous. One of my goals as Chairman will be to strengthen and rebuild the National Transportation Safety Board. I also plan on improving the quality of the Safety Board's investigations and the timeliness of reports and recommendations.

One of my major efforts during my term as Acting Chairman has been to open the lines of communication, not only with the transportation community but internally within the Safety Board. I have tried to reestablish open communications and a sense of collegiality among all of the Board Members and to insure that we take advantage of all points of view. I will continue these efforts.

The Safety Board recently provided the U.S. Department of Transportation with its views of the important transportation safety issues that need to be considered in the development of a national transportation policy. The Safety Board identified a number of issues in each mode of transportation.

Two issues I feel pervade all modes of transportation are the use of drugs and alcohol and the transport of hazardous materials. I believe that both of these issues need additional attention. Further issues I feel need addressing include:

Aviation
-- collision prevention, especially on ground collisions;
-- aging airplanes;
-- human factors in operations and maintenance;
-- pilot training and experience.

Highway
-- motor carrier compliance with federal and state regulations;
-- bridge safety, especially bridges over water.

Railroad
-- passenger car and locomotive crashworthiness;
-- positive train separation through advanced train control systems;

Marine
-- cruise ship safety;
-- fishing vessel safety;
-- tankship safety.

2. What are your plans for conducting the Board's business with two new members who, presumably, will need a period for assimilation and preparation before assuming all the responsibilities of a member of the Board? How do you anticipate allocating the resources of the Board?

Response: While having two new Members coming on board within a relatively short period of time may place a temporary strain on the Safety Board, there is a process in place at the Safety Board for the training and orientation of new Board Members. This includes participation with a seasoned Board Member as an observer before assuming full responsibility on an investigation, briefings and orientation by staff, and accompanying a current Board Member to a hearing before assuming the role of chairman of the board of inquiry at a public hearing. I am confident that the experience and skills of the new Members appointed will make the transition period a short one. I intend to do everything possible to assure a smooth integration of the new Members into the Safety Board organization.

I intend to allocate a significant share of the additional resources received this year to our major accident investigation program since this area is the one most affected by insufficient resources. The increases will include the addition of investigators-in-charge and the technical specialists needed to support these major investigations. Technical specialists include persons skilled in such areas as human performance, operations, structures and vehicle performance analysis.

27-108 0 - 90 - 2

Drug and Alcohol Testing

3. What are your views on the issue of drug and alcohol testing, including random testing, as a means of deterring drug use and alcohol abuse among safety-sensitive transportation workers?

Response: I am pleased the DOT now has drug testing rules which cover all modes of transportation. However, I am concerned about weaknesses and inconsistencies in these rules. For example, in aviation the rule requires collection within 32 hours of the accident or incident and includes urine samples only. In the rail mode, blood and urine samples are required as soon as possible after the accident or incident. I feel there should be uniform regulations for all modes of transportation and that these regulations should include testing for the presence of alcohol as well as other drugs in all modes.

The random testing phase of the regulations has the potential of improving transportation safety in two ways. First, random testing is an incentive to avoid drug use. Second, it can identify those individuals in safety sensitive positions that are drug users before an accident occurs rather than after. I personally strongly support random drug testing because I believe it is the only form of testing that is an effective deterrent.

Rail

4. What do you see as the most pressing areas of need in improving rail safety?

Response: The most pressing areas in which improvement is needed in railroad safety include passenger rail car and locomotive crashworthiness, fitness for duty issues including hours of service and drug and alcohol use, positive train separation and the transport of hazardous materials. The Board is also concerned about the rapid growth of regional railroads and the ability of the FRA and the states to adequately surveil their operations.

The significant issues in passenger car crashworthiness include the adequacy of seat locking mechanisms, luggage restraints and the securement of food service appliances. The major problem in the crashworthiness of locomotive cabs is the lack of a standard sill height which frequently results in fatal injuries when locomotives collide, even at low speeds.

Fatigue, by train operating personnel, train dispatchers or tower operators has been a factor in past railroad accidents and is another area that needs improvement.

The Safety Board has long advocated the need for backup systems that will control a train if the engineer fails to do so. The railroad industry is now developing advanced train control systems (ATCS) that have the potential to provide for positive separation of trains. The Safety Board has recommended that FRA take an active role in the development of ATCS so that positive train separation becomes a part of any ATCS system adopted by the industry.

One of the significant issues in the transportation of hazardous materials by rail today is that tank cars that carry less than 18,500 gallons are not required to be fitted with head shields or thermal protection. Yet such cars carry much of the chlorine transported in this country and some liquified petroleum. A release of these products in that quantity could result in a major disaster. Still other materials labeled as "toxic-by-inhalation" are also transported in cars without head shield protection, and each of these materials pose threats to the public.

Pipeline, Truck and Bus Safety

5. Have you identified any particular needs insofar as pipeline safety is concerned? Insofar as truck and bus safety is concerned?

Response: Pipeline - Pipeline safety concerns include the performance of pipes manufactured primarily during the 1950s and 1960s using the low frequency welding process for joining the longitudinal seams, maintaining safety for buried pipelines such as cast iron or bare steel mains and bare metallic service lines that were installed before federal requirements and not protected against damage by corrosion. Another concern involves the effectiveness of state agency pipeline safety regulatory programs for intrastate pipelines and the effectiveness of the Office of Pipeline Safety's oversight of these programs.

Highway - The truck and bus safety issues of particular concern include the use of drugs and alcohol by operators, and compliance with the federal and state regulations, especially recent changes from the Commercial Motor Vehicle Safety Act of 1986, and the crash and fireworthiness of these vehicles. My concerns for these issues arise from the Safety Board's investigations of literally hundreds of bus and truck accidents in which these safety issues continue to surface.

Although the Safety Board has completed two studies on school buses and a report on the collision between the school activity bus and the pickup truck at Carrollton, Kentucky, the Safety Board remains concerned about, and will continue to monitor, the safety of school buses.

Finally, the Safety Board has increasing concerns about inadequate inspection of the nations bridges. Since 1983 the Safety Board has investigated five significant bridge collapses in which inadequate inspection was an issue.

Hazardous Materials

6. Given your experience on the Board, are there any particular needs that should be addressed in the area of hazardous materials transportation safety that either affect individual modes or which cut across several modes?

Response: Hazardous materials safety issues, as with drug and alcohol issues, are ones that cut across all modes of transportation. Better packaging and hazard identification on shipments, improved hazard identification, and the inclusion on shipping papers of more complete descriptions of hazardous materials are all concerns that should be addressed. Additionally, there needs to be effective routing requirements for those materials that pose substantial threats to communities, both for rail and highway transportation and improved training for fire rescue personnel responding to hazardous materials accidents.

Aviation

7. Recently the GAO has identified deficiencies in the FAA's aging aircraft program. What is your view of the efforts of industry and FAA thus far? Do you believe the problem of aging aircraft is being addressed adequately?

Response: This issue of aging aircraft is one that has been agressively addressed by the entire aviation industry since the Aloha accident of April 28, 1988. Most of the efforts have been the result of the joint industry task force led by ATA and AIA to review the problem. These efforts have led to the issuance of proposed rules to mandate modifications and part replacement on several models of airplanes as they approach their intended service life.

Both the Safety Board and the industry task force recognize that there is much more work to do in addressing this problem. The General Accounting Office, has questioned FAA's ability to provide adequate oversight over the industry and I share some of the GAO concerns. We will continue to address these concerns in our recommendations.

I am encouraged by the progress that is being made. For example, FAA is taking a harder look at the corrosion control practices of industry and is about to initiate stronger rulemaking action in the area. I think there is more that needs to be done in the validation of airplane aging characteristics during certification, and new research is needed to develop improved inspection technology which will give more consideration for the human factor in inspection and maintenance.

I intend to ensure that the Safety Board will continue to be aggressive in its oversight role and closely follow FAA's oversight of maintenance practices.

8. In recent years the FAA has started to emphasize human factors study and research as a means of accident prevention. How do you evaluate the FAA program? What, if any, recommendations would you have in this area?

Response: The FAA's human factors program is one we have recommended for several years. I am pleased that they have hired a recognized expert, Dr. Clay Fouschee, and have given him the recognition and prominence that this office deserves. I understand the office will be adequately funded and that it will establish a formal program which will ensure that human factors is being addressed in all FAA programs.

Since this is a new program, the Safety Board will be monitoring its efforts and effects on safety. We will make appropriate recommendations to the FAA as the need arises.

9. Many in the aviation community criticize recent FAA enforcement policy for stressing punishment rather than education and correction. The critics argue that safety is not served by the FAA policy. What is your view?

Response: There is a feeling in the aviation community that the FAA enforcement policy has been inflexible and that punitive action has been given too great a priority in deterrence.

I am concerned that a system perceived as overly punitive and rigid will not promote the spirit of cooperation that is, I think, necessary to achieve a high degree of regulatory compliance. I believe the interests of safety would be better served by a more flexible and balanced approach in which training and education would be featured along with certificate actions and civil penalties.

STATEMENT OF JAMES L. KOLSTAD

Mr. KOLSTAD. Mr. Chairman, thank you very much.

To echo your remarks, there were indeed many times that I wondered if this day would come. I am pleased that it is finally here, and I want to thank my good friends, Senators Burns and Simpson, for taking the time to come over here this morning to speak on my behalf.

Mr. Chairman and Members of the committee, I am honored that the President has officially placed his confidence in my ability to lead the National Transportation Safety Board as Chairman. I also want to thank the Chairman and the Memers of this committee for their support and understanding during my service as Acting Chairman.

As you know, the Safety Board has been through a wrenching period. Among the events that have made this period so difficult have been the uncertainty over the Chairmanship; the fact that some of our top staff positions have been filled in an acting role pending the confirmation of the Chairman; the death of one of our Board members, Joe Nall, in an airplane accident; and finally, a staggering workload exemplified by the launch of 51 go teams to major accidents in all modes of transportation in 1989. That is almost one per week, and the highest number in many years.

For these reasons and others, my top priority if confirmed by this body will be to undertake a major effort to strengthen and rebuild the Safety Board. I believe the initiatives already taken or under way have helped. These include expanding a two-way dialogue with the aviation, rail, highway, marine and pipeline industries and government regulators; giving our managers more flexibility to manage without micromanagement by the Chairman or the managing director; and lowering the blacklog of pilot appeals of FAA sanctions.

I also plan over the course of the next year to seek increased resources for the Board to cope with the growing complexity and volume of our workload and to improve the timeliness and quality of our reports and investigations.

I also intend to work more effectively for the adoption of our recommendations.

Mr. Chairman, that concludes my remarks. I will be pleased to respond to any questions you or the Members of the Committee may have.

Senator FORD. Thank you very much, Mr. Kolstad. We have been joined by the distinguished ranking member of the full committee, Senator Danforth. And Senator, if you have a statement to make, we would be delighted.

Senator DANFORTH. No, I do not, Mr. Chairman. Thank you for asking.

Senator FORD. Thank you.

Mr. Kolstad, I think the recent accident and the publicity therefrom probably is uppermost in a lot of people's minds this morning. So let me get to that.

You have had experience with the airline industry, and most recently, the National Transportation Safety Board.

Before I get into the accident, I want to know how you view the relationship of the Board with the industry, and how do you see your role with the regulatory agencies?

Mr. KOLSTAD. Mr. Chairman, I see our role as one of oversight. I think for a number of years that relationship has been somewhat tarnished and it is stronger now than it has ever been.

It takes a close working relationship, and I am working on that. I think it also takes an understanding of the problems between the agencies.

Sometimes in the past the Safety Board has crafted recommendations which perhaps have not been practical and have sometimes led to some of the disagreements and perhaps to some of the irritations that have developed between the agencies.

I think that we need to work on crafting realistic recommendations, ones that can be adopted. And I think there also needs to be an understanding on the part of DOT that the Safety Board has a role and we are going to play it.

So I look forward to a much closer working relationship, but obviously one that involves an aggressive oversight.

Senator FORD. Now let us get to the accident. Do you have any more information on the circumstances surrounding the crash of the Avianca jet last week, specifically, on the controllers and the situation in the New York TRACON?

Mr. KOLSTAD. Well, Senator, it is very difficult, obviously, with interviews going on even today, to discuss it in any great detail. But let me tell you that the Safety Board is focusing on three areas in this accident. The first is the crew preplanning which might have led to the fuel starvation in this accident.

The second is the communications that occurred between Avianca flight 52 and the New York Center, and the communication and the coordination between the New York Center and the New York TRACON.

And finally, the weather situation during the time that flight 52 was holding over the New York area, and whether this weather had an impact on the ability of the JFK TRACON and Center to handle traffic adequately, and whether or not weather might have led to the missed approach that occurred prior to the accident.

That is the centerpiece of our investigation today.

Senator FORD. The papers have reported that Kennedy Airport had been closed, due to weather. It had been closed repeatedly during the day, and many flights were delayed, and several pilots apparently complained to controllers of low fuel throughout the day.

In fact, the Post reported that 13 arrivals had been delayed for an average of 89 minutes in the two hours before the crash.

Would it have been safer to have delayed these flights on the ground? And what is your view of airborne versus ground delays?

Mr. KOLSTAD. Well, obviously it is better to take a ground delay than an airborne delay. It is true that it appears Avianca 52 was delayed for approximately 89 minutes. There are a lot of things that we do not yet understand, Senator.

The runway visual range was approximately 5,500 feet, as reported by an American flight that preceded Avianca 52 on its missed approach.

We, as I mentioned, do not understand why there was a missed approach. There were wind shear alerts in that area. It is not clear yet whether wind shear might have been a factor in the ability of this crew to conduct a stabilized approach.

So there are yet many unanswered questions. We are still in the on-scene phase of this investigation, and I certainly would hesitate to make any conclusions at this point.

Senator FORD. Well, under those circumstances, let me move then to another point, if I may. I continue to worry and have talked a great deal last year privately and publicly in hearings, et cetera, about the aging fleet and the airlines' ability to keep the planes airworthy.

Should the FAA be considering the life cycle of aircraft when certifying them? Do you believe there should be a mandatory retirement age for aircraft?

Mr. KOLSTAD. Senator, this is one of the areas that I think that the industry and the FAA have addressed aggressively, particularly after the Aloha accident of April 28, 1988. This has occurred principally through a task force that was developed by the Air Transport Association, the Aerospace Industries Association, and the FAA, to address life-limiting various parts of aircraft that were never life-limited before, and to address the whole area of corrosion control.

I understand that there is an advanced notice of proposed rulemaking that is in the works now on this issue of corrosion control.

And I am sorry, I missed the second part of your question.

Senator FORD. Yes, do you believe there should be a mandatory retirement age?

Mr. KOLSTAD. Well, I think that the life-limiting of parts, Senator, is the way to go. Rather than talking about retiring the aircraft, we should retire the parts. I think that is the proper direction.

Senator FORD. Well, you are aware of the tests that are being made by, I guess Boeing and McDonnell Douglas, as it relates to landings and takeoffs and that sort of thing?

Mr. KOLSTAD. Certainly.

Senator FORD. So there is a lot of research being done as it relates to this aging aircraft question. The parts come into question, and then we get into the product liability end on our side when we start discussing the aircraft and its age.

So we do have a mixed bag, as it relates to the parts, whether the aircraft ought to be retired.

Mr. KOLSTAD. Our concern, Senator, has been in the area of whether or not the FAA has adequate resources to properly oversee the maintenance of these aircraft. I think that was the thrust of the GAO report, and we share that concern. This is an area that the NTSB is going to be aggressively looking at over the long term.

Senator FORD. I want to question you on other areas of your responsibility. The National Transportation Safety Board recently released a safety study on passenger vessels operating out of U.S. ports. That study contained some disturbing findings concerning foreign-flagged passenger vessels, the so-called luxury liners operating out of U.S. ports.

Specifically, the study pointed out deficiencies in the area of fire protection, emergency drills and training, language barriers and other areas.

Can you recommend any actions or any other actions that should be taken by the Board, the Coast Guard or other federal agencies to address these deficiencies?

Mr. KOLSTAD. Absolutely, Senator.

I think foremost, our recommendations deals with giving the Coast Guard more authority to conduct more comprehensive investigations of foreign-flagged vessels when they come to the United States and wish to do business, and wish to homeport here.

We believe that the Coast Guard is operating up to the very limit of its statutory authority, in terms of the inspections that it is now running. We believe that the Coast Guard needs more authority to ensure there is adequate firefighting equipment on board, that there is more training, and that there is not the language barriers that you spoke of.

These are the most significant recommendations.

Senator FORD. I want to skip over rail, because I think we have gone into that and the ability of the FRA and the states to give the right kind of surveillance of their operations.

Let me talk about hazardous materials, and this will be my last question.

You have identified a number of needed areas for improvement of hazardous materials transportation safety. Let me ask you to elaborate on this, including your view that there is a need for improved training for personnel responding to hazardous material accidents.

Mr. KOLSTAD. Senator, there is no question about that. Training of crash fire personnel is something that is extremely important.

This whole issue of hazardous materials transportation is one that crosses all modes of transportation. Certainly, routing is one of the key areas that we are concerned about. We are also concerned about the classification of hazardous materials. We do not think it is broad enough.

We are concerned about the lack of head shields, for example, on railroad tank cars that carry under 18,500 gallons. And those cars are principally the ones that are carrying most of the chlorine for this nation's drinking water.

We think they should have head shields. An accident involving one of the tank cars could be catastrophic.

We also believe there needs to be greater adherence to federal regulations with respect to hazardous materials.

Senator FORD. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Welcome, Mr. Kolstad.

I certainly echo the sentiments of my colleagues in saying this is long overdue and we look forward to working with you on a wide range of issues.

Mr. KOLSTAD. Thank you, Senator.

Senator MCCAIN. First of all, just to follow up on questions that the chairman raised about the Avianca accident. Roughly, what was the length of time between the missed approach and the crash?

Mr. KOLSTAD. Senator, it was very short. Following the missed approach they were given a vector to circle around and reinitiate the approach. I do not have it off the top of my head.

Senator MCCAIN. Was it a matter of just a few minutes?

Mr. KOLSTAD. Just a few minutes, correct.

Senator MCCAIN. And at what point did they declare that they had a low fuel situation?

Mr. KOLSTAD. That was declared when they contacted New York Center. New York Center then contacted New York TRACON.

Senator MCCAIN. That was before they made their first approach?

Mr. KOLSTAD. Yes, before they made their first approach.

Senator MCCAIN. And there was no other transmission about fuel problems after that?

Mr. KOLSTAD. I cannot say with certainly, Senator, that there was no other transmission. That was the first transmission, and it was relayed that, we are low on fuel, we cannot make it to our alternate, and we can remain in this position no more than five minutes. That was the essence of the communication.

Senator MCCAIN. A couple of years ago, your predecessor told this committee that there were sectors of airspace in America that were dangerous. I believe those were his words. Do you share that view?

Mr. KOLSTAD. No, sir, I do not. I think that there are times when there is a strain on the system. There are times when we are concerned that the air traffic control system may be trying to take on too much.

But one of the things that the Safety Board has done is to initiate what I call SWAT teams to go out to those centers and address those areas that we think are deficient when we see that the margins of safety are down to what we consider to be the absolute minimum.

We did that in the northeast corridor following a near miss of Air Force One. We did it in the Chicago Center, and we did it most recently at the Coast TRACON in California. We will continue to do so.

Senator MCCAIN. Do you believe that adequate progress is being made on the implementation of the National Aerospace System Plan?

Mr. KOLSTAD. Senator, adequate progress is a difficult thing to assess. Let me explain that this is the largest non-defense undertaking by the U.S. Government in the history of this country.

Part of the problem is that the task is far larger than was estimated by FAA. It also is apparently much more expensive than initially projected by the FAA.

There are some aspects of the NAS that we understand are on schedule. For example, those dealing with terminal doppler radar. There are other aspects of the NAS that are behind schedule, those dealing with the advanced automation. It is an area that we are watching.

I think that the key is that the FAA maintain a check on the capacity in this country until the NAS is able to accommodate it.

Senator MCCAIN. Well, I hope you will be keeping an eye on that, because obviously it has a direct impact on your job.

Mr. KOLSTAD. Absolutely.

Senator MCCAIN. Finally, do you share the concern that I and other members of the committee have about the lack of qualified pilots we may face in the mid-1990s as a result of the continued expansion of commercial aviation?

Mr. KOLSTAD. We certainly do. We deal with it every day.

Senator MCCAIN. Do you believe that the Federal Government should have a role in ensuring that we have an adequate supply of well-trained pilots?

Mr. KOLSTAD. Yes, Senator, I do. I am not sure what that role should be, but yes.

Senator MCCAIN. Well, let me give you an idea.

The Department of Defense and the air lines would subsidize equipment installation at colleges, such as the University of North Dakota, so that they could provide a high quality training to young men and women who desire to be pilots. Have you ever thought about that?

Mr. KOLSTAD. I have not personally thought about it, no sir.

Senator MCCAIN. I would be interested in your taking a look at that. Clearly, we are facing a crisis in pilots, not only in the military but in civilian aviation, and if the military is going to be the only source of pilots for the air lines, one of the two is going to endanger the lives of Americans.

Mr. KOLSTAD. I could not agree more.

Senator MCCAIN. Thank you very much. Thank you, Mr. Chairman.

Senator FORD. Thank you, Senator McCain. Senator Danforth?

Senator DANFORTH. Mr. Kolstad, it is my understanding that you support drug and alcohol testing for safety-related transportation employees, including random testing.

Mr. KOLSTAD. Absolutely.

Senator DANFORTH. You believe that that is a very important component of the government's approach to safety?

Mr. KOLSTAD. I certainly do.

Senator DANFORTH. I have no further questions, and I do not want to delay your confirmation for another second.

Mr. KOLSTAD. Thank you very much.

Senator FORD. It is always nice to give the right answer. Mr. Kolstad, we thank you, and assure you that from what you have heard from at least the three of us that are here that you have three votes, and we will try to get to those as soon as we possibly can. Thank you very much.

Mr. KOLSTAD. Thank you very much, Mr. Chairman.

[The following information was subsequently received for the record:]

Questions Submitted by Sen. Gorton for Mr. Kolstad

1. In questions submitted by the Committee, you commented that further issues need to be addressed in the area of fishing vessel safety. Could you expand upun that comment, making specific recommendations in this area.

Response: The Safety Board has recommended that the Coast Guard seek legislative authority to require the licensing of captains of commercial fishing vessels. Such authority should also include a requirement that they demonstrate minimum qualifications in vessel safety including rules of the road, vessels stability, firefighting, watertight integrity, and the use of lifesaving equipment. Additionally, the Safety Board supports the establishment of minimum safety training standards for all commercial fishermen, commensurate with their responsibilities, for all types of uninspected commercial fishing vessels.

2. Similarly, could you make specific recommendations in the area of tankship safety?

Response: The Safety Board has investigated and reported on approximately 64 tankship accidents involving collisions, groundings, fires/explosions, and/or oil pollution while such vessels were operating. From this unique perspective, the Safety Board may undertake a thorough safety study looking at significant safety issues including but not limited to:

1) the effectiveness of the Coast Guard oversight and inspection of tankships (U.S. and foreign);

2) reduced manning levels and watchkeeping requirements (both national and international) and fatigue implications;

3) crew members training, divisions of responsibility, and the commingling of work duties;

4) design improvements and construction standards for tankships including double hulls and equal pressure loading;

5) emergency response and contingency planning;

6) the age of tankships and related safety implications;

7) new and innovative navigational electronic aids for use on tankships;

8) U.S. alcohol and drug rules applicability to tankships and the role of alcohol/drug use in tankship accidents.

Senator FORD. Next will be Susan M. Coughlin, who is the nominee for the National Transportation Safety Board. We welcome her, and due to circumstances beyond her control her nomination to be a member of the board has been held up for a while.

She has served since 1987 as Deputy Administrator of the Federal Railroad Administration. Before that she was Deputy Vice President of Public Affairs at the Export-Import Bank and has also served as intergovernmental relations officer at the Department of Transportation.

So we welcome you this morning, but before we have your statement the distinguished Senator from Pennsylvania, Senator Specter, is here, and we will entertain your statement first, Arlen.

STATEMENT OF HON. ARLEN SPECTER, U.S. SENATOR FROM PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman. I am delighted to be present before this distinguished Committee this morning to present to you Mrs. Susan Coughlin, whom I know both professionally and socially and can attest to her high qualification, although I think little attestation is necessary in the light of her very outstanding record.

She has been in government and she has demonstrated a keen awareness of public interest and public policy maturely in a well-balanced way, and I think is uniquely qualified for this important position.

As the Chairman has already noted, some of her positions, she has served as Acting Administrator of the Federal Railway Administration, had been Acting Vice President for the Export-Import Bank, had worked on Capitol Hill in the past going back into the 1860s as a staff member——

Senator FORD. She was nominated in 1860 and we are just getting around to it.

Senator SPECTER. None of us looks that old, not even the Chairman. You know the reason I did that, I ran for office in 1967 and I frequently joke about it, seriously saying 1867. I did not win that election and it has been seared in my memory, so I think that accounts for that one of my many slips so far this morning.

There has been a substantial wait for this position, and she has been very patient, ready to perform public service on a very, very important line, and perhaps echoing the words of my colleague Senator Danforth not to delay any confirmation process, deponent sayeth nothing more.

Thank you.

Senator FORD. Thank you very much, Senator. Ms. Coughlin, you may proceed with your statement. We will have some questions for you.

Senator SPECTER. If I may be excused, I know she will do well, perhaps even better in my absence.

Senator FORD. We thank you for your courtesy this morning and your recommendation of the nominee.

[The biographical sketch and questions and answers follow:]

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN
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BOB PACKWOOD, OREGON
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RALPH B. EVERETT, CHIEF COUNSEL AND STAFF DIRECTOR
WALTER B. MCCORMICK, JR., MINORITY CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: COUGHLIN (Last) SUSAN (First) MACGREGOR (Other)

Address: 222 South Carolina Avenue, S.E. (Current residence) 400 7th Street, S.W. (Business)

Washington, D.C. 20003 Washington, D.C. 20590

2. Position to which nominated: Member, National Transportation Safety Board Date of nomination: June 21, 1989

3. Date of birth: March (month) 17 (day) 1946 (year) Place of birth: Patuxent River Naval Air Static Maryland

4. Marital status: Married Full name of Spouse: Robert Lawrence Coughlin, Jr.

5. Names and ages of children: Lisa Coughlin Powell, 36; Robert Lawrence Coughlin, III, 23; Lynne Mich Coughlin, 29; Sara Coughlin Noon, 27

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Catawba College	1964-65		
University of Maryland	1965-67		
Moravian College	1971-72	B.A.	1972
University of Utah	1973-74		

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
See Attachment.				

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

Acting Administrator, Federal Railroad Administration, 4/89 to Present

Deputy Administrator, Federal Railroad Administration, 8/87 to Present

Acting Vice President, Export-Import Bank of the U.S., 1986-87 (Public Affairs)

Deputy Vice President, Export-Import Bank of the U.S., 1983-87 (Public Affairs)

Intergovernmental Relations Officer, Department of Transportation, 1981-83

Staff Assistant, Veterans Administration Hospital, Bronx, N.Y., 1968

Staff Assistant, U.S. Congressman Jim Wright, 1967

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Member, National Republican Party, Registered in Pennsylvania

Member, Republican Congressional Wives Club

Volunteer, Coughlin for Congress, 1980

Since 1981 I have been covered by provisions of the Hatch Act but have been active to the extent permitted in connection with my husband's re-election efforts in 1982, 1984, 1986 and 1988, those of President Reagan in 1984 and President Bush in 1988, attending political rallies, fundraising functions, town meetings, candidate debates, and other events in support of the above candidates.

7.
Employment Record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

8/87 to Present, Federal Railroad Administration, 400 7th St., S.W., Washinyton, D.C., Deputy Administrator, Acing Administrator

10/83 to 8/87, Export-Import Bank of the U.S., 811 Vermont Ave, N.W., Washington, D.C., Deputy Vice President, Acting Vice President, Public Affairs and Publications

4/81 to 10/83, U.S. Department of Transportation, 400 7th St, S.W., Washington, D.C., Intergovernmental Relations Officer

7/80 to 4/81, Big Cheese Restaurant, 3139 M St., N.W., Washington, D.C., Senior Chef

11/79 to 7/80, American Institute of Architects, 1735 New York Ave., N.W., Washington, D.C., Managing Chef

10/79 to 11/79, U.S. House Restaurant System, Annex 2, U. S. Capitol, Supervisor, food service.

3/79 to 7/79, Boulders Inn, New Preston, Conn., Head Chef

12/78 to 3/79, Birkenhaus, Stratton Mountain, Vermont, Staff worker.

6/78 to 9/78, Smugglers Cove Inn, East Boothbay, Maine, Resort Manager

3/75 to 6/78, TWIF Restaurant Group, 57 W. 58th St, New York, N.Y., Banquet Manager

1/71 to 11/74, College Student Status

11/69 to 11/70, Visual Education Corporation, 362 Nassau St, Princeton, N.J., Secretary to Corporate President

11/68 to 11/69, McGraw Hill Book Company, Hightstown, N.J., Secretary

6/68 to 11/68, Travel Status with Husband

1/68 to 11/68, Veterans Administration Hospital, Kingsbridge Road, Bronx, New York., Clerk

1/67 to 12/67, Congressman Jim Wright, 2459 Rayburn House Office Building, Washington, Staff Assistant

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

Executive Women in Government, Member

Women's Transportation Seminar, Member

Friends of the National Zoo, Member

Child Life Volunteer, Childrens Hospital National Medical Center

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Academic Scholarship Recipient, Moravian College, Bethlehem, Pennsylvania

Special Achievement Award, U.S. Department of Transportation, 1982

Special Achievement Award, Export-Import Bank of the U.S., 1983

Outstanding Performance Award, Export-Import Bank of the U.S., 1984

Outstanding Performance Award, Export-Import Bank of the U.S., 1985

Outstanding Performance Award, Export-Import Bank of the U.S., 1986

Member, Senior Executive Service, 1987

12. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

Editor, Export-Import Bank of the U.S. monthly newspaper StaffNotes

Pre-hearing Responses Submitted from Susan M. Coughlin

to the Senate Commerce Committee

General

1. Would you elaborate on your qualifications to serve as a member of the NTSB?

Response: For the past two and one half years I have served as Deputy Administrator and Acting Administrator of the Federal Railroad Administration. This Federal agency has sole jurisdiction over railroad safety enforcement and regulation. It also shares jurisdiction with the National Transportation Safety Board for rail accident investigation.

At FRA I have had "hands on" managerial responsibility for the agency's accident investigation effort. The FRA investigates approximately 175 train accidents annually. Through this oversight responsibility, I have become familiar with FRA's accident investigation procedures and techniques. Although the technical aspects differ in other modes, the investigative techniques are basically similar, allowing me to apply the knowledge I have gained at FRA.

In addition, I have been an active participant in enforcement and regulatory issues. Following passage of the Rail Safety Improvement Act of 1988, I worked closely with staff in crafting the new safety regulations mandated by the RSIA.

During my tenure at the Department of Transportation, I have served under every Secretary of Transportation since Secretary Lewis headed DOT in 1981 and understand transportation policy issues. In addition to my current rail assignment, I have had, over time, assignments in the aviation, highway traffic safety, Coast Guard and maritime fields.

I consider myself to be an articulate, well-informed spokesperson and from 1984 to 1986 was Deputy Vice President, and from 1986 to 1987 was Acting Vice President for Public Affairs at the Export-Import Bank of the United States. In this capacity I had daily contact with the media and am comfortable in a technical briefing setting. In my view, a successful Member of the NTSB must be able to articulate technical data to the public, and I believe I possess this skill.

Further, I fully appreciate the importance of maintaining an objective viewpoint in conducting the business of the Board, independent of past ties to agencies and industry.

Finally, I have had significant managerial responsibilities. I believe I have a reputation as a thoughtful, fair and decisive manager.

2. Have you identified any particular area of transportation safety which you believe needs attention, or which requires more emphasis from the Board?

Response: I would hesitate to prejudge the Board's placement of proper emphasis on any particular area of transportation safety. From my own experience at the Department of Transportation, however, I would make the following observation. The transportation industry, in general, has been enormously successful in virtually eliminating mechanical failure as a cause of transportation accidents. Consequently, human factor accidents are becoming a larger and larger percentage of the total number of accidents annually. As mechanical failure declines as a causal factor, perhaps the Board might direct itself to the workplace environment to identify factors in that environment that may be contributing to the failure to perform.

It would also be my hope that, having cited alcohol and drug use as a causal factor in several prominent transportation accidents recently (the most notable being the Amtrak/Conrail accident at Chase, Maryland), the Board might alter its position on random drug and alcohol testing, a subject I have addressed in greater detail in Question #3.

Drug Testing

3. What are your views on the issue of drug and alcohol testing, including random testing, as a means of deterring drug use and alcohol abuse among safety-sensitive transportation workers?

Response: I am a strong proponent of alcohol and drug testing among safety-sensitive transportation workers, not only as a deterrent against unlawful or misuse of these substances, but also as an investigative tool following transportation accidents. My view is that each of the transportation industry's testing programs, including random testing, is an integral part of the overall approach to substance abuse in the workplace, as are employee assistance programs (EAPs), Operation Redblock (peer intervention programs), and rehabilitation programs. No single program, on its own, can be considered the total solution to this tragic problem which plagues the transportation workplace. No single approach can eliminate drugs and alcohol from the workplace. Taken together, however, they form the basis upon which a drug-free workplace not only can be contemplated, but achieved.

Aviation

4. **Most observers of the aviation industry agree that the aging of the aircraft fleet requires additional regulations and new types of inspections to maintain airworthiness. What are your views on the efforts of the FAA and the industry thus far? What, if any, additional actions need to be taken?**

Response: In April, 1988, dramatic attention was focused on the issue of aging aircraft when Aloha Airlines Flight 243 enroute from Hilo to Honolulu, Hawaii, experienced a structural failure at 24,000 feet. A significant portion of the aircraft structure separated from the body of the plane, and one flight attendant was swept out of the plane. Since that time, there have been numerous initiatives intended to intensify attention on detecting potential aging problems among the nation's oldest aircraft.

While these initiatives have been highly successful, my view is that there are still many unknowns in the areas of how and why corrosion and fatigue develop as an aircraft ages and what impact take-off and landing cycles have upon the structural integrity of the plane. I would urge that FAA and the industry increase their attention in several areas: maintenance oversight of the carriers by FAA and, in turn, the carriers over their maintenance workforce; increased emphasis to learn more about the human factor aspect of maintenance and inspection; an increased awareness of the impact of the working environment on performance; and increased research to more accurately determine the point at which the airworthiness of an aging airplane becomes a safety factor.

I was encouraged to note that one major carrier recently announced a special inspection program to examine, inch-by-inch, the structural components of some of its oldest aircraft. This effort is over and above the carrier's regular inspection and overhaul programs required by the FAA and is representative of the type of additional effort that will be required to eliminate accidents caused by improperly maintained, aged aircraft, so long as those aircraft are permitted to fly.

As one contemplates the average fleet age of the major air carriers, it becomes apparent that the impact of this issue increases every year with the age of the fleet. Not enough has yet been done, and I look forward to further involvement in this critical safety issue.

STATEMENT OF SUSAN M. COUGHLIN

Mrs. COUGHLIN. Thank you, Mr. Chairman and members of the Committee. I am pleased to have an opportunity to appear before you today, and Mr. Chairman, I wish to thank you particularly for your consideration in scheduling this hearing so shortly after returning from recess.

Before I begin my brief statement, I would like to express my appreciation to Senator Specter for taking time from his busy schedule to accompany me here today. I also want to thank Senator Heinz for his support of my nomination.

Mr. Chairman, I am honored to be here today as President Bush's nominee to serve as a member of the National Transportation Safety Board, and, if confirmed, look forward to working with the Members of the Committee on the critical and important transportation issues that face our Nation, and they are considerable, as we have heard from Acting Chairman Kolstad.

Over the last nine years I have served under every Secretary of Transportation, including Secretaries Lewis, Dole, Burnley and now Secretary Sam Skinner. These years have been very valuable to me, providing in-depth experience and understanding of the transportation industry and the complex economic and safety regulatory frameworks under which it functions.

For the past two-and-a-half years I have been privileged to serve as Deputy Federal Railroad Administrator. It was during this timeframe that the Congress passed the landmark Rail Safety Improvement Act, a law very near and dear to members of this committee. We have also worked together on our mutual goal to implement a fair and effective program for random drug testing in the railroad operating environment.

It has also been at the FRA that I gained the valuable experience that allows me to appear before you today as a qualified candidate for service on the National Transportation Safety Board. As the agency with sole jurisdiction over railroad safety enforcement and regulation, and shared jurisdiction with the NTSB for accident investigation, the FRA has been where I gained my greatest understanding of the safety and regulatory investigative processes.

Although my experience has primarily been in rail, I have a solid working knowledge of the issues in other modes and am keenly aware of the challenges that will face me at the NTSB. I hope that this Committee will find me suitable to accept those challenges. In turn, I will do my utmost to merit your continued confidence in the future.

As I conclude, I would like to thank both the majority and minority staffs of the Committee for their valuable advice and counsel during this confirmation process.

Mr. Chairman, that concludes my prepared statement and I would certainly be pleased to answer any questions the Members of the Committee may have.

Senator FORD. Thank you very much. I have only, maybe a question or two.

You were called on to participate, I imagine, in various safety-related rule-makings as Deputy Administrator of the Federal Railroad Administration. How might this—I am not sure this is a

proper word, but we will say affect your ability to make safety recommendations to the Department of Transportation, particularly in the areas where you have had previous involvement?

Mrs. COUGHLIN. Senator, I do think you are making an important point that from an objectivity standpoint there needs to be a separation between the regulatory agency and the recommending agency, and I will certainly make every effort to become an impartial recommender, if you will.

But I also think that the flip side of that is that my experience and understanding in the rule-makings and regulatory process will aid me in being able to understand, as the Chairman indicated earlier, the practicality of recommendations and the suitability of recommendations in the operating environment.

I do not, in my own mind, see it as a conflict. I did work on a number of rule-makings, particularly following the Rail Safety Improvement Act approved by this Committee and adopted by both Houses of Congress. Yet I feel that that experience will actually serve me well.

Senator FORD. I have no problem with that. I think it will serve you well. It is the way it is approached, and I think you have the right attitude.

What kind of relationship should the National Transportation Safety Board have with other agencies within the Federal Government that you might be dealing with, such as the regulatory agencies?

Mrs. COUGHLIN. I think that the NTSB, by necessity, must have a cooperative relationship with regulatory agencies, and despite the fact that I have discussed the importance of maintaining an independence and objectivity, I look forward to using what I believe are good relationships that I have enjoyed at the Department to ease whatever tensions and frustrations that may have been felt in the relationships before.

I think that when we recognize that we are all working for the same goal, and that is to promote safety in our transportation systems, that those tensions somehow can be relieved and alleviated.

Senator FORD. That is one of the reasons you are here, because you believe that way, I hope.

Mrs. COUGHLIN. Yes sir, thank you.

Senator FORD. In your pre-hearing response on aging aircraft, you mention one major carrier which announced a special, I think, inspection program over and above the programs required by the FAA, which "is representative of the type of additional effort that will be required to eliminate accidents caused by improperly maintained and aged aircraft." Do you believe that the FAA standards are not strict enough?

Mrs. COUGHLIN. No, sir. I was not implying that at all. I believe there is a good deal of satisfaction with the progress that FAA has made following that tragic Aloha Air Line accident.

My point being that I think that it is going to take a lot of extra vigilance and a lot of extra oversight by the FAA and the carriers. My point was actually that I was pleased to see that the carriers were doing a lot of that on their own. It will be through joint industry and government cooperation that we get solutions to this problem to be sure that no stone is unturned in terms of being able

to maintain the public confidence, particularly as the aircraft fleet ages.

I certainly was not implying that the FAA was not doing a good job, but I guess no amount is ever enough.

Senator FORD. Do you believe that FAA needs to address through increased regulations greater emphasis on aviation safety?

Mrs. COUGHLIN. It would depend on what area of the aviation safety you are referring to. I am certainly not a believer in no regulation, and would not have any preconceived position that the industry needed no further regulation.

Senator FORD. Let me, then, move to rail and ask you my last question and turn it over to my colleague.

In the pre-hearing responses, Chairman Kolstad stated, and I quote, "The major problem in the crash worthiness of locomotive cabs is a lack of a standard sill height which frequently results in fatal injuries when locomotives collide even at low speeds."

What, if any, action has FRA considered to address this problem?

Mrs. COUGHLIN. Senator, Mr. Chairman, there exists a Committee called the Locomotive Control Cab Committee. It is a joint industry, labor and government task force that has been given the responsibility of looking at all facets of the locomotive cab, whether you are talking about comfort, location of the controls, or crash worthiness of the locomotive.

One of the recommendations that is going to be coming out of that Locomotive Control Cab Committee is the recommendation that we have a standard sill height, and so I think that there will be some action in that area. I have to say that it has not been an area that has been a predominant one that stood out to us.

I am aware of the Yuma accident in which a fatality occurred and the sill was called into question at that point. There are two locomotive manufacturers in the United States so achieving a standardization should not be a difficult exercise, over time.

Senator FORD. Thank you very much. Senator McCain?

Senator MCCAIN. Thank you, Mr. Chairman. Welcome, Ms. Coughlin. We certainly look forward to working with you in your new role, and I might add it certainly was a pleasure for me to have had the opportunity of working with your husband while I was a member of the other body.

I just have one question, and that is what skills you would bring to the process of communicating and encouraging action on NTSB recommendations to the Department of Transportation safety regulators?

Mrs. COUGHLIN. Having worked in the environment at DOT and having what I believe is a broad, public policy-making background, I understand the political process and understand the regulatory and safety processes. I bring a valuable set of qualifications, if you will, in that I understand the Department, I know the players at the Department, as well as in the transportation industry.

Any time you can improve the communications between one Federal agency and the next you are probably going to, in the long run, have an impact—a positive impact—and I believe that I have those qualifications.

Having, I believe, enjoyed a good reputation at the Department I will bring a certain amount of credibility and a certain reputation

as a safety conscious person. Those qualities will be an asset to the Board.

Senator MCCAIN. I believe you do, and I look forward to your speedy confirmation. Thank you.

Thank you, Mr. Chairman.

Senator FORD. The next nominee is Barry L. Harris for Deputy Administrator of FAA. He is accompanied by the distinguished Senator from Maine, Senator Cohen. We are delighted to see him. He has made every effort to be here, Mr. Harris. He has been in and out that door two or three times, so it indicates that he does have confidence in you. So we will listen to Senator Cohen this morning. I know he has other places that he should be.

We look forward to your statement.

STATEMENT OF HON. WILLIAM S. COHEN, U.S. SENATOR FROM MAINE

Senator COHEN. Thank you very much, Mr. Chairman and Senator McCain.

It is a pleasure for me to be here on behalf of Barry Harris. I believe he is an outstanding candidate for this position which is so critical for the safety of the traveling public. He is going to bring to his new post years of valuable experience in the aviation field. He holds a commercial pilot's certificate with instrument rating and is certified to fly not only single but multi-engine airplanes along with helicopters. He has logged nearly 3,000 hours in the air, and he currently flies more than 500 hours each year.

In addition, I think at a time when this committee and the entire Congress are concerned about the efficient use of taxpayer dollars, Mr. Harris brings to this post a very strong management background. He has experience as a founder and CEO of two significant companies in the private sector. He has served in the public in both municipal and state offices, and I think his management skills are going to prove invaluable to assisting the administrator in running a 50,000 person agency.

I certainly am confident that Barry Harris' experience and his lifetime commitment to excellence is going to make him a very, very qualified choice for this important post, and I would urge your speedy confirmation of him.

Senator FORD. Thank you very much.

Senator COHEN. I appreciate your accommodating my schedule to call me over.

Senator FORD. You are mighty nice to be accommodating to us, too, so we appreciate that.

Mr. Harris comes before the committee this morning with over 20 years of experience as a private pilot and having been a member of several major aviation associations. In 1987, he retired as president and chief executive officer of the Alliance Corporation, having served in that capacity for some 18 years. Prior to that, Mr. Harris served in several positions in local government in the State of Massachusetts before beginning his career with the media.

We are pleased to welcome you this morning, Mr. Harris, and we look forward to your opening statement.

[The biographical sketch and prehearing questions and answers follow:]

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: Harris (Last) Barry (First) Lambert (Other)

   Address: 31 Foreside Road (Current residence) _____ (Business)

   Cumberland, ME 04110

2. Position to which nominated: Deputy Administrator - FAA

   Date of nomination: Nov. 6, 1989

3. Date of birth: 1 (month) 13 (day) 1939 (year)

   Place of birth: Cincinnati, OH

4. Marital status: married

   Full name of Spouse: Carole Ann

5. Names and ages of children: Kiley L. 22; Cody B. 12; Butler H. 19; Langdon W. 17

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Denison University	1957-8		
Harvard University	1962-4		

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
1963-5		WBZ-TV	Boston, MA	Feature Writer
1965-8		Metropolitan Area Planning Cncl.,	Boston,	Dir. Comm. Programs
1968-9		City of Gloucester	MA	Assistant City Manager, Econ. Dev.
1969-87		Alliance Corp.,	Bar Harbor, ME	President/CEO
1987-present		retired		

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

Director, Community Programs, Metro. Area Planning Council

Assistant City Manager-Economic Development, Gloucester, MA

Chairman, Overall Economic Development Comm., Gloucester, MA

Executive Secretary, Gloucester Industrial Development Commission

Chairman, School Administrative Dist #51, State of Maine

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Presidential Trust (1988)

Bush for President, National Steering Committee

Bush Finance Committee, Maine Co-chair

Maine Republican State Committee, Victory *88* (Hon Nat'l Delegate)

Contributor, McKernan for Governor 1986

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

National Business Aircraft Assn.

Aircraft Owners & Pilots Assn.

Experimental Aircraft Assn.

National Biplane Assn.

American Horseshows Assn.

U.S. Equestrian Team, Inc.

National Rifle Assn.

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

none

12. Published writings: 1963-65 List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

A CHAIR IS WAITING, 1-hr documentary on capital punishment

AROUND THE CORNER, 1-hr documentary on settlement house movement

SWORDS TO PLOWSHARES, 1-hr documentary on defense conversion

KENNEDY, documentary on life of John F. Kennedy

MACARTHUR, documentary on life of Douglas MacArthur

13. Speeches: Identify each speech which you have given during the past 3 years, the organization to which the speech was given, and supply two copies of each speech.

none

14. Qualifications: State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

I am a Commercial, multi-engine, instrument pilot holding a helicpter rating. I have been an active pilot for over 20 years and a dedicated aviation enthusiast who is conversant with most of the issues and problems confronting the FAA and the aviation community. Moreover, I have nearly 20 years of experience as a Chief Executive officer in the private sector and several years of experience as an administrator at the state and local levels of government.

QUESTIONS OF THE MAJORITY

Pre-Hearing Questions Submitted to Barry L. Harris

Qualifications

1. Please outline for the Committee the experience you believe you have that makes you qualified to serve as Deputy Administrator of the Federal Aviation Administration (FAA).

Answer:

One of my assets is my nearly life-long involvement in and love of aviation. I hold numerous pilot ratings, fly frequently in the most congested portion of the system, and am committed to the safe expansion of the system. The second of my assets is my extensive management experience in the private sector, having founded and served as CEO of two companies. The third asset is my experience in both state and local government, my commitment to public service and a familiarity with the process of government.

2. From 1969-87, you served as President and Chief Executive Officer of Alliance Corporation. Please describe the activities of Alliance Corporation, as well as your responsibilities as President and CEO.

Answer:

Alliance Corporation, which I founded, was the parent company that owned and operated 5 resort hotels in the New England region. I was responsible for the full range of executive functions for the Corporation. These functions included planning, budgeting, finance, personnel, and marketing activities.

Priorities

3. If confirmed as Deputy Administrator, you will be in a position to work with Administrator Busey in shaping the FAA. What do you believe should be the priorities of the FAA today? What initiatives will you plan to take in each of these areas?

Answer:

The Administrator has made it clear that, if I am confirmed, he and I will work as a team to develop and implement agency

initiatives. Of course our underlying mandate is safety and security. I would expect to address myself to, among others, the issues of capacity, recruitment and training, international security, procurement, safety compliance and aging aircraft.

Independent FAA

4. Legislation has been introduced by Senator Ford to remove the FAA from the Department of Transportation, making it an independent agency. S. 1600 also provides the Administrator with increased flexibility in the areas of agency personnel, procurement, and budget. What is your view of this legislation?

Answer:

My own observations lead me to believe that there is clear evidence that the existing relationship between the Office of the Secretary of Transportation and FAA is working well.

Trust Fund

5. The Airport and Airway Trust Fund has a growing surplus that now exceeds $7 billion. Given the limitations of the Federal budget process, what initiatives will you recommend to Admiral Busey that the FAA pursue to ensure full utilization of the Trust Fund?

Answer:

The Administrator and I are of one mind when it comes to addressing the capacity needs of the aviation system. Meeting those needs will require substantial sums of money in future years from the Trust Fund. As a long time user of the system, I believe that fees collected from aviation users should be used for aviation improvements. If confirmed, I will work with the Administrator to see that the FAA continues to press for system improvements and to achieve the needed commitment to future funding both from the Congress and the Executive Branch.

NAS Plan

6. The National Airspace System (NAS) Plan has been criticized by the General Accounting Office and others for its delays and cost overruns. What skills do you bring to the position of Deputy Administrator that will help ensure completion of this effort to modernize the air traffic control system?

Answer:

My experience in the private sector has given me an insight into the need for effective planning, scheduling, and budgeting. It is

my sense that we need to develop realistic schedules for system improvements, and then use our best efforts to stick to those schedules. I am certain that the Administrator's strong background in procurement will result in improvements in the FAA's procurement processes, and, if confirmed, I will work with him to see that the expected improvements are realized.

Air Traffic Control System

7. The Fiscal Year 1990 appropriations bill requires the FAA to meet overall and Full Performance Level (FPL) air traffic controller staffing levels. Given the FAA's difficulty in meeting FPL targets in recent years, what recommendations will you make to ensure compliance with future staffing mandates?

Answer:

In my limited exposure to FAA controller staffing issues, I believe that controller staffing levels could be improved through improvements in recruitment and training. If confirmed, I plan to help achieve the needed improvements to our recruitment and training process, while, at the same time, stressing the need to increase representation of women and minorities in our controller workforce.

Aging Aircraft

8. Given your experience as a pilot, do you believe adequate steps are being taken to improve the maintenance and inspection procedures of aging aircraft?

Answer:

I have had the opportunity to be briefed on the agency's aging aircraft program and am impressed with the comprehensive program that has been set out. I have also had the opportunity to visit Boeing's facilities in Seattle to see firsthand their programs and to hear their concerns. I was pleased to see the level of manufacturer commitment to dealing with the aging aircraft issue, and to observe the cooperative fashion in which the government and the aviation community are working to ensure that adequate inspections are conducted and appropriate corrective action taken. Work continues in the R&D area as well, and, for the first time, the agency is evaluating the human factors issues associated with intense inspection activities. Although FAA has done much in this area and has extensive activities ongoing to achieve additional improvements, I believe that it is important that we continue to carefully monitor this whole program with a view toward making whatever further changes or improvements may be called for.

Security

9. The General Accounting Office recently criticized the FAA for failing to establish minimum training requirements and standards at high-risk overseas airports and for not evaluating airline security training at these airports. How do you believe the FAA can better enhance airport security at high-risk and domestic airports?

Answer:

I believe that the greatest improvements to aviation security can be realized through enhanced international cooperation. Terrorism is a global issue which demands an international response and a multi-lateral approach to adopting and implementing improved security standards. In my view, the FAA and the United States must play an aggressive role in seeking that international cooperation and improvement; the unfolding of recent events in Eastern Europe along with the changes that will result from EC-92 underscore the need for us to maintain the U.S. preeminence in aviation, not only as it applies to security but to aircraft and airman certification as well. If confirmed, I will work closely with the Administrator in pursuing the needed multi-lateral support for key safety and security improvements.

Taxes

10. It has been reported that the President's budget will propose an increase in the existing 8 percent passenger ticket tax, as well as authority for airports to impose a passenger facility charge, or "head tax". What is your view on the need for additional aviation taxes?

Answer:

I believe there is little question that there are substantial needs of the aviation system which must be met in both the short and long-term. I agree with the concept that users should pay for the services they receive, and, to the extent this requires that revenues should be increased to fund those needs, then it is appropriate to increase user fees. Passenger facility charges provide an option for more local involvement in developing revenues for system improvement.

Pilot Training

11. As a pilot, what ideas will you bring forth to involve the FAA and the Federal government in efforts to attract and train adequate numbers of new pilots?

Answer:

Not only is there an enormous need for pilots, but for mechanics and support personnel as well. To see that these needs are met falls clearly within FAA's mandate to foster and promote aviation. The FAA can raise public awareness of opportunities in aviation through more creative educational programs. The agency can also explore ways of encouraging the private sector to fund creative solutions to this problem. I am heartened to note that Congress has restored a program to subsidize veterans who cho se pilot training as a career. Through programs like this and others, I believe much can be done to ameliorate the pilot/mechanic shortage.

Seating Restrictions

12. The Commerce Committee has reported legislation (S. 341) that would prohibit an airline from restricting seating in an aircraft on the basis of a passenger's visual acuity. What is your view of this legislation and the need for such restrictions?

Answer:

I am aware that the FAA's proposal on seating restrictions was issued out of concern for passenger safety in the event of an emergency evacuation. I believe the Commerce Committee's legislation sends a clear message to the FAA that, as it proceeds with rulemaking in this area, it must pay scrupulous attention to ensuring that any action it may take is justified on safety needs. Since this proposal is in rulemaking at this time, and, if confirmed, I may be called upon to provide advice to the Administrator, I would hesitate to get further into the merits of the FAA's original proposal.

Airport Slots

13. There are continuing concerns about the allocation of operating rights, or "slots", at the four High Density airports. Are you satisfied with the existing process? If not, what initiatives will you recommend to Admiral Busey to improve that process?

Answer:

The system of slot allocation is a very complex one. I have not yet had the opportunity to familiarize myself with the intricacies of that system. I understand, though, that there are a number of concerns about slot allocation, and, if confirmed, I would work to better understand the nature of those concerns and to identify possible solutions.

Alcohol Testing

14. Last year, DOT issued rules mandating random drug testing programs for safety-sensitive employees in the airline industry. These rules do not extend to mandatory testing for alcohol abuse. What are your thoughts on the need for mandating alcohol testing of safety-sensitive employees?

Answer:

The Secretary has issued an Advance Notice of Proposed Rulemaking (ANPRM) concerning the use of alcohol by personnel in the transportation industry. A number of key questions are posed in this ANPRM concerning alcohol testing of safety employees, and public input is sought on those issues. I look forward to having the opportunity to review the public comments that are received in response to this ANPRM. Clearly, the abuse or inappropriate use of alcohol by safety personnel should be a matter of concern to us all.

Research Development Corporation

15. FAA has announced its intention to create a federally funded research and development corporation chaired by the Deputy Administrator. Could you elaborate on the structure and mission of the corporation? What steps will be necessary to establish it?

Answer:

The Administrator has been considering a wide-range of measures to ensure that the FAA's research and development program is well conceived and well executed. He and I share the view that an aggressive R&D program is key to improvements in safety, security, and capacity. One of several measures under consideration is the possible creation of a federally funded research and development corporation. However, no decision has been made.

STATEMENT OF BARRY L. HARRIS

Mr. HARRIS. Thank you, Mr. Chairman and Senator McCain. I, in the interest of brevity, would like to thank the senior Senator from Maine for those very kind, gracious and complimentary remarks. I would like to say that I appreciate the opportunity to be here today. I am looking forward to serving as Deputy Administrator of the Federal Aviation Administration. Should you see fit to confirm my nomination, I look forward to working with you in the years ahead.

I have no more to say, and I would be happy to take your questions.

Senator FORD. Thank you very much, Mr. Harris. Let us just start out with some information on your background, since you are new at least to me and maybe to my distinguished colleague. We have known the other two nominees here today for some time.

What experiences do you have that make you qualified to serve as Deputy Administrator of the FAA?

Mr. HARRIS. Well, sir, I spent over 20 years flying in the system in a variety of kinds of aircraft. The last few years I have had the opportunity to spend 500 hours a year in the air in a King air in some of the most densely populated areas of the east, certainly the most congested in the air. So I think I have an understanding of the air traffic system and how it works, certainly from a pilot's point of view.

As the Senator from Maine indicated, I have a background in business. I was chief executive officer of a company that I founded for some 18 years. We operated resort hotels around New England, so I am familiar with operating a company that has a multiplicity of locations reporting to a home office.

In addition to that, as you can see from my resume I have a background in both State and local government, so I have some perception and understanding of how the governmental process works.

Senator FORD. In your response to the prehearing questions, you stated that if confirmed, you expect to address capacity, security and aging aircraft among other issues.

What initiative in each of these three areas do you expect to pursue at the FAA?

Mr. HARRIS. Sir, as you know, the decade of the 1980s brought about those three issues that you raised. The threat of international terrorism raised the whole specter of security. I think that the FAA had thrust upon it the mantle of world leadership in that area. I think it is important that we continue addressing ourselves to that issue.

As far as aging aircraft is concerned, that obviously was an issue that came to the forefront in the decade of the 1980s. The Aloha incident focused attention on that. The FAA has worked very hard and continues to work hard, as does the industry, to get a handle on that problem.

I think one of the key issues that has not been raised today relative to aging aircraft is the whole inspection process and the human factors involved. If you can imagine for a moment an inspector who spends eight hours a day examining rivets inside of an

airplane, I think you rapidly come to the conclusion that maybe his inspection acuity diminishes over that period of time. I think that is an issue that we are looking at carefully in the agency.

The other problem that we have when we start talking about specific life cycles of an airplane is on one hand you have the lives of the American public which you have to be concerned about and on the other hand you have the concern about the preservation of capital for our airlines. If you make a decision to retire an airplane too soon, you have retired an airplane that may have had life left in it. If you make a decision to retire it too late, you risk the lives of the American public. That, of course, is simply not an acceptable risk to take.

Deregulation has, of course, created many problems for us in the area of capacity. Capacity is a function of not only airports but of air space and technology. I think that the agency is moving under the very able leadership of Admiral Busey in the direction of getting a handle on the development of the NAS Plan.

Senator FORD. You listened to my friend, Senator McCain, set out the issue of revenue enhancement which is proposed in the budget that we received yesterday. You probably heard the four points I made about the increase, and they are all taxes. I guess for all practical purposes, the 1991 budget calls for increased aviation taxes.

Can you tell this committee what these additional taxes are needed to fund, given the existence of the trust fund and $7 billion surplus?

Mr. HARRIS. Senator, as I read the budget, much of that money will go towards development of the NAS Plan.

What has happened is that we tend to have originally viewed the NAS Plan as a program that will have a beginning and an end. Somewhere along the line, it has become a process, and I think the Admiral views it as a capital investment program that is going to proceed for some time.

As technology develops, we have an obligation to bring it on line and put it in the system, and one of the features of the NAS Plan is to try to create a matrix where we can plug in new technologies as we go along.

You will also note, sir, in the budget that we do plan to reduce the trust fund by some $4 billion by the year 1995. In other words, we will spend the additional taxes going into the trust fund and spend down the existing trust fund balance to a $3 billion level by 1995.

Senator FORD. So it is going to take five years to spend $4 billion?

Mr. HARRIS. Yes, sir.

Senator FORD. Point well made.

Let us talk about air traffic control a little bit. The National Transportation Safety Board investigators have determined that Flight 052, which recently crashed en route to JFK, reported several times to air traffic controllers tha it was low on fuel. Apparently this flight was held by controllers on three separate occasions.

Do you have any more information on this flight and the accident than Chairman Kolstad had?

Mr. HARRIS. No, sir, I do not. We are dealing essentially with the same information.

Senator FORD. As an instrument rated pilot for 20 years or so, you have experience operating in the air traffic control system, I am sure, and you have mentioned the density problem.

What are some of your firsthand impressions of the ATC system, and what aspects of the system need the greatest attention?

Mr. HARRIS. I think it is the best system in the world, and I do not think you can find too many people who will dispute that. Obviously it has its problems, some of them dating back to the PATCO strike.

We are, as you know, trying to rebuild a controller work force, and I think that is important.

I think controller morale is important. I think these are issues that have to be addressed.

I think that to some extent the technical advantages that the continuing process of the NAS Plan will give us is going to aid us tremendously addressing in some of our capacity problems.

Senator FORD. I started to say "control", but I am going to change that word. How much direction do you think the Secretary of Transportation is going to be giving to the FAA?

Mr. HARRIS. In my limited observation, I would say that the relationship that exists between Sam Skinner and Jim Busey is remarkable in its mutual trust. I think that the Secretary has given the Administrator an enormous amount of leeway. I think he depends on him to make decisions relative to FAA.

Obviously we are a modality of the Department of Transportation, and the Secretary provides overall guidance. I think in the day-to-day operation of the agency, Admiral Busey is the Administrator.

Senator FORD. You talk about day to day, but the overall direction you would give to Secretary Skinner?

Mr. HARRIS. I think he relies on the Admiral for his advice.

Senator FORD. That does not mean he is going to take it.

Of course, what I am getting to and as you probably know and have been forewarned is that I have introduced legislation to remove the FAA from the Department of Transportation, making it an independent agency. Admiral Busey is not independent. All he can do is recommend to the Secretary of Transportation.

Do you have any thoughts on the current legislation or need for it? I am sure you are going to be a good soldier, but surely before your nomination you can make a personal statement. Then when you become official you might take another position.

Mr. HARRIS. Sir, do you really believe that?

Senator FORD. Yes, sir. Sam Skinner says that if we had had the leverage buyout bill in place that his job would have been made a lot easier, but he was violently opposed to that legislation. The only reason he was opposed to it was because they called him and said do not be for that bill. He is a good soldier. I do not fault that.

As a fellow who has been governor and appointed people, if they do not think as you do, why, they go. They are appointed because they are good soldiers. I admire that.

Since you are still free, however, would you give me a position?

Mr. HARRIS. May I just check and see who is sitting behind me before I answer?

Senator FORD. It is a good natured thing.

Mr. HARRIS. I understand.

Senator FORD. I am very much interested in that position, and I think it is awful important. I think it is important because in Admiral Busey I think you have a fine fellow, but he does not know whether he is going to be there tomorrow or two weeks from now, and you do not.

If we get somebody who is going to be there for a period of time who can go ahead and proceed with these regulations that are necessary and do the things that are necessary without having to go through another layer before taking it up to the White House to see if they approve of it. Then it comes back down. The first thing you know we have lost all the impetus that was needed by the Administrator.

I am here for safety. I am not here for simply trying to have my way. I have decided that S. 1600 is in the best interest of the flying public and the industry, and that is the reason I am for independence. I get into some squabbles with people over that. I blinked a couple times and they have, so we are even.

If you want to take a position, fine. If not, if you want to wait until you get instructions, that is all right with me.

Mr. HARRIS. No, sir. I can certainly understand your position. I also know what the Admiral's position is. I know what the Secretary's position is. I know what the President's position is.

Senator FORD. That means we are going to give them something to veto.

Let us look at foreign repair stations.

Mr. HARRIS. Yes, sir.

Senator FORD. In 1988 the FAA issued a final rule authorizing the use of foreign repair stations by U.S. operators. This rule continues to raise concern about the quality of work done at those facilities as well as the ability of the FAA inspector work force to provide adequate oversight.

Are you satisfied with the foreign repair station rule, or in the interest of aviation safety, would you favor modifying this rule?

Mr. HARRIS. Sir, I am convinced that the rule is a good one. I am also convinced that the FAA, which has now some 100 applications to license foreign repair stations and has only licensed 10 of them specifically because it does not have the inspectors to do the work properly for any more—the FAA's mandate is safety. I think it is taken very seriously there.

I certainly take it very seriously, and if I thought for a moment that the existing licensed repair stations were not licensed to the same standards that the 4,000 repair stations in this country were licensed, I would tell you so.

Senator FORD. What about the drug testing and so forth in foreign repair stations? Is that identical to ours, or is it somewhat different?

Mr. HARRIS. That is an area, sir, I cannot comment on, because I do not know.

Senator FORD. Well, you require it of the people here at our repair stations and you would not require that of foreign repair—when American people are going to get on that airplane?

Mr. HARRIS. Well, you see, what we accept in terms of mechanic certification is certification of the foreign country. Now, it meets all of our criteria, but as far as the drug testing is concerned I am just not knowledgeable on that.

Senator FORD. Well, there are a lot of things about the foreign repair station rule that bother me a great deal when we depend on them to repair U.S. aircraft and you have fewer inspectors. I am not sure the FAA has enough now.

I think you have about a hunred, maybe a hundred, and the limitation—I though you just licensed five, so you doubled it since my last information. So you say ten. It is a rule I think that needs to be looked at very hard. I think the job loss and other things that are evident, the standards that we have and so forth, need to be adhered to. I have lots of problems, personally, about safety as it relates to foreign repair service.

I have other questions and I know my friend has other places to go, as I do, so I will stop and turn it over to Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Mr. Harris, welcome, and we look forward to working with you.

Two areas that have been of concern to the Chairman and me and the subject of several hearings last year, and I am sure we will be addressing them this year: air line concentration and airport capacity.

Are you concerned about the decreasing number of major air lines in America and the lack of competition? We have had several hearings, testimony from the GAO, that where there is hub concentration by one air line that fares go up, that there is an increasing trend toward fewer and fewer air lines in America.

Mr. HARRIS. Sir, as a member of the traveling public, and I have been flying more and more on Part 121 airplanes, I hear what you are saying and I agree with you. I am not familiar enough with the hubbing concept and the implications of it to comment intelligently on it.

Senator MCCAIN. Are you concerned about the aspect of aviation safety that we have more and more airplanes flying into relatively the same number of airports, and this has led to slot limiting and clearly less airport capacity than we have had in the past?

Mr. HARRIS. Yes, I am concerned about that.

Senator MCCAIN. Would that mean that you would support freeing up the Aviation Trust Fund?

Mr. HARRIS. Well, I think, as I indicated, this budget does. It does not totally free it up, but it frees it up considerably, by about $4 billion.

Senator MCCAIN. I would like to ask you, particularly being a pilot yourself, if you are concerned about the supply of pilots and whether there are going to be enough in the future to supply both military and civil aviation—commercial aviation?

Mr. HARRIS. Yes, sir, I am concerned about that. I share a concern about pilots as well as mechanics. It is a partnership that we need to keep the airplanes flying.

I am aware of the fact that you and Senator Glenn did amend a DOD bill, last year. I believe it was, asking for a presidential commission to study this very problem, and I am looking forward to the results of that study.

Senator McCAIN. Thank you. Congratulations. We look forward to your confirmation.

Thank you, Mr. Chairman.

Senator FORD. The hub and lack of slots and so forth, one item that is in the so-called taxes section of the budget authorizes passenger facility charge for local airports. How is that going to work?

Mr. HARRIS. Well, my understanding of it is that, were a passenger facility charge system to be developed, that a local airport would have the option of applying or collecting this task and then turning around and using it for airport development.

Senator FORD. Is that in addition, or are the other taxes reduced?

Mr. HARRIS. The other ducks are reduced; they would give up their airport grant entitlement.

Senator FORD. Would there be any cap on what they might charge?

Mr. HARRIS. I am not sure of the limits.

Senator FORD. You are just going to leave it wide open. If you have to fly, you have to fly out of here, and if you fly out of here you pay X or Y?

Mr. HARRIS. I am not certain, sir.

Senator FORD. It looks like—there is something that is hard for me to understand. I am going to have to get my hand on this tax question. I think it is something that, with the surplus of $7 billion, must be considered. The 1991 budget proposes to spend over $8 billion for the FAA. You could almost not charge anything next year and come out even. But I understand that we will not do that.

But this is another part of the smoke and mirrors that I pay, Senator McCain pays, you pay, and you expect something for that. We expect something from that because we are the ones that vote to impose the tax that you recommend, that you support here this morning.

So you are supporting new and increased taxes and you want us to pay for it, or to support it, and so the traveling public can pay for it. You are increasing the waybill tax on packages, affecting the Federal Expresses, UPS, and others of this world. It increases business costs, so I am not sure where all this mix comes from.

I think we are going to have to look at it pretty hard, Mr. Harris, and I think we will. You better come up with a good explanation of where that money is going, rather than tell us that in '95 you are going to spend it down by $4 billion. I do not know—you may be taking some more out, or something, or doing something else with it, and that reduces it.

Where is it going? NAS Plan, security, pilot training? We could take some of that money and help universities to train pilots. It is out there, but one of these days—this country always reacts. We are the best at reacting in the world. We are the worst at acting.

It is just like the VCR. We invent it and they manufacture it. You know, we are not out there doing the things that we ought to be doing. So I want to be sure about this.

Let me just say this to my colleague, I am going to ask the Chairman, since I look at the schedule there is not anything available for a hearing any time soon, I think this group of nominees ought to be in place as soon as possible. So I am going to recommend to the Chairman that we have some kind of a meeting—maybe if it is off the floor during the vote—that we all come together as we have done in the past and will do in the future, maybe to expedite the nominations of you three this morning.

I wanted that to be a part of the record. I think it is important that all three of the nominees this morning be put into place so that we can have no argument about a vacancy. Then, and, too, that we will have somebody to fuss at.

Senator McCain. Mr. Chairman, could I just make a brief comment to the witness?

I agree with everything that you said. I also would hasten to add that part of the problem lies within the institution, as you know, with some of our colleagues on the Budget Committee and Appropriations Committee.

But I do hope, Mr. Harris, that the message is clear I think in a bipartisan fashion that it is very difficult for us to ask the American traveling public to pay more for their air line tickets than they already do, due to other factors which we have discussed previously—lack of competition, primarily—and at the same time not spend those moneys on what those taxes are earmarked for.

It is very troubling to me and to the Committee, I believe, to say that we would allow other forms of taxation, such as the taxes the Chairman referred to, when there are moneys available which are yet unspent. There is no logic to that argument.

So I would hope that this might give us some impetus to all come together and come up with an orderly schedule for spending down the trust funds where they are needed.

Secretary Skinner recently said that there is a requirement for six or eight major metro regional airports in America, and I agree with that, by the way. I think it might even be more.

If that is the case, why in the world can we not spend the moneys that we have collected from the American flying public in order to make that become a reality? I do not think it is going to become reality, given the cost of airport construction, unless those moneys are freed up.

So hopefully, as the Chairman said, we will react to this in a fashion that will allow us to have an orderly dispensation of those funds with a willingness to compromise for the sake of this idiocy about the size of the deficit.

Thank you, Mr. Chairman.

Senator Ford. Well, one of the things we need to do is spend the money because it makes us more competitive. It expands the airports and increases the capacity so that we can be more competitive instead of concentrated. There are a lot of things here, Mr. Harris, and with your business background, you ought to at least agree with my colleague over here.

Senator McCain. He agrees with you, Mr. Chairman.

Senator Ford. No, no, no.

Mr. Harris. Actually, I agree with you both.

Senator FORD. When you say the Admiral and the Secretary and the President, then I want you to agree with him.

Mr. HARRIS. I understand.

Senator FORD. Thank you all very much, and this hearing is adjourned.

[Whereupon, at 10:45 a.m., the hearing was adjourned.]